Public Instruction and Dr. Moudgill for the purpose of going into this matter and finding out exactly what the students did and what their responsibility, or culpability, if any, is. The committee has been instructed as will be apparent in a communique to be issued by the Government, to go into the whole question and deal with it academically, as far as possible only the worst cases are likely therefore to come before the Courts. Government have come to the conclusion that breaches of academic discipline and the participation by students in violent political or other activities are matters for academic treatment by the academic authorities. On these two grounds, firstly on the ground that the matter is under judicial investigation and secondly for the reason that it would not be in public interests, and certainly not in the interests of students themselve, that this matter should at this juncture be discussed on the floor of this House, I disallow the motions.

**MR. A. THANU PILLAI:** Sir, it is a matter that affects the public generally though no doubt students were mainly involved in it.

**PRESIDENT:** Is the member raising a point of order or giving a personal explanation?

**MR. A. THANU PILLAI:** Sir, I am making a statement.

**PRESIDENT:** The Hon'ble member has no right to make any statement now.

**MR. A. THANU PILLAI:** I mean a point of explanation, Sir.

**PRESIDENT:** Hon'ble member has no right to speak against the ruling of the Chair.

**MR. A. THANU PILLAI:** Since this important matter which affects the public has not been allowed to be discussed on the floor of the House..... .....

**PRESIDENT:** Order, order. The Hon'ble member will take his seat. The Hon'ble member is not in order in canvassing the ruling of the Chair.....

**MR. A. THANU PILLAI:** Since this important motion is declared not in order, I walk out of this Hall in protest.

## LEGISLATIVE BUSINESS.

### THE TRAVANCORE IRRIGATION REGULATION (AMENDMENT) BILL.

**MR. PUTHUPALLI S. KRISHNA PILLAI** (*Legal Remembrancer to Government*): I beg to present the report of the Select Committee on the Travancore Irrigation Regulation (Amendment) Bill and move that the Bill as reported by the Select Committee be taken up for consideration.

**MR. C. KUMARA DAS** (*Director of Industries*): I second it.

**PRESIDENT:** The question that the Bill be now taken into consideration was moved and seconded.

The question whether clauses 1 to 4 stand part of the Bill was then put to vote and carried.

Clauses 1 to 4 were added to the Bill.

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**MR. C. JABAMONY NADAR** (*Kalkulam* cum *Vilavankod*): Sir, I move that "In clause 5, omit sub-clauses (*a*), and (*b*), and the Explanation" but in line 4 of Section 13 (of Regulation III of 1072) delete the words "proprietors of the lands benefited by such work" and substitute the word "Government".

**MR. PUTHUPALLI S. KRISHNA PILLAI**: Before the motion is allowed to be discussed, I wish to point out for the consideration of the Chair two objections to the amendment. One is that it is a motion for the total deletion of the whole clause. Further, this amendment to the section as it stands cannot be permitted under Section 18 of the Regulation. It is a measure affecting public revenues of the State or imposing a charge on such revenues. The mover wants that instead of the present obligation cast on the proprietors of the land benefited by the work, it is to be cast on Government. That is a measure which cannot be moved except with the permission of the Dewan. The motion for the total deletion or omission of the clause is one which can be decided when the question is put.

**MR. C. JEBAMONY NADAR**: Before the Chair gives a ruling I would make a few observations. I refer to Section 31 of the Regulation as to financial responsibility. Here it will be seen that it is only a matter of discretion on the part of Government and there is no responsibility in law and as such the objection raised by the Hon'ble Legal Remembrancer cannot stand. As to the other position, namely, the deletion of the word "Proprietors of the lands benefited by such work" and substitution of the word "Government" and that it is not in order, because that would set at naught the very motion, my explanation is this. The motion is on the whole Bill. This is only a part of the entire Bill and hence is only a part of the entire motion. My amendment is not to omit the entire Bill or the motion. It relates only to one section of the motion. Therefore it is not an amendment for omitting the entire motion.

(At this stage Deputy President occupied the Chair.)

**DEPUTY PRESIDENT**: The amendment proposed by the honourable member is to omit sub-clauses (*a*) and (*b*) of clause 5; and there are only those two sub-clauses in that clause. So, the amendment is virtually one for the deletion of the whole clause. Therefore, consistently with the previous rulings on this matter, I rule that the amendment is out of order.

As regards the second portion of the amendment, which proposes the deletion of the words "proprietors of the lands benefited by such work" and substitution of the word "Government" in line 4 of Section 13 of Regulation III of 1072 to which it relates, reading Section 13, I find that the amendment casts a statutory duty upon the Government to undertake such works. Since it imposes an obligation upon the Government, within the meaning of Section 18 of the Legislative Reforms Regulation, namely, a charge upon the revenues of the State that also cannot be moved.

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The whole amendment is therefore out of order.

The question that clause 5 do stand part of the Bill was put to vote and carried. The clause was added to the Bill.

**Clauses 6 to 8.**

The question that clauses 6 to 8 do stand part of the Bill was put to vote and carried. The clauses were added to the Bill.

**Clause 9.**

**MR. C. JEBAMONY NADAR** : Sir, I beg to move the following amendment:

In clause 9, line 3, (*i. e.* in line 1 of Section 26 (A) (1), insert the words "in writing" after the word "orders" and before the word "in."

Sir, as the provision now stands, the Irrigation Officer or any person acting under him may enter into any private property, remove all materials kept there or deposit there any materials. It has to be noted that it is not only the Irrigation Officer who is empowered to so enter and do all these things there but any person; and the Bill does not exclude Temples, Churches or Mosques or even the residences of gosha ladies. Thus any private person is being empowered to enter into any land or building. It is a very very serious invasion of public rights the provision seeks to give that power not only to the Irrigation Officer but also to any individual whoever he might be. And, how is the owner of such private property to find out whether such other person forcibly entering upon his property is acting under instructions from the Irrigation Officer? How is he to be identified as the person authorised by the Irrigation Officer? Unless there be sufficient, safeguard anybody may enter upon private property under the pretext that he is acting under this provision and the consequence may be serious. There might perhaps be little difficulty if the Irrigation Officer effects entry because one can easily identify him. But with regard to any other private individual, in the absence of some written order of the Irrigation Officer or some such document for the purpose, the owner of such private property is quite justified in resisting entry into his property by stranger whom he may treat as trespasser. It is to obviate that difficulty that I propose this amendment that the order of the Irrigation Officer shall be always in writing.

I hope the amendment will be accepted.

**MR. T. C .KESAVA PILLAI** , മി: ജപമണിനാടാർ ഇവിടെ അവതരിപ്പിച്ച ഭേദഗതിയെ ഞാൻ അനുകൂലിക്കുന്നു. പുതുതായി ഇവിടെ നിർമ്മിക്കുന്ന നിയമങ്ങളും വിദേശത്തുള്ള നിയമങ്ങളുടെ മാതൃകയിൽ കൊണ്ടുവരുന്നതു കൊണ്ടാണ് തിരുവിതാംകൂർ നിവാസികൾക്ക് അതിനെക്കുറിച്ച വലിയ ഭയം തോന്നുന്നത്. പരമാർത്ഥത്തിൽ ഇതിൽ ഉദ്ദേശിച്ചിരിക്കുന്നതു നിമിത്തം വലുതായ ദോഷം വരാൻ സംഗതി ഇല്ലെങ്കിലും അധികാരം ശരിയായി ഉപയോഗിക്കുന്ന ഉദ്യോഗസ്ഥന്മാരാണെ



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[Mr. T. C. Kesava Pillai.]

ങ്കിൽ അതു വലിയ ആപൽക്കരമായിത്തീരുന്നതല്ല. ഇറിഗേഷൻപ ദ്ധതിയിൽ വെള്ളച്ചാട്ടം മുതലായ ആപൽസന്ധികളിൽ പൊന്നുംവിലയും മറ്റും കൊടുത്തു ഉടമസ്ഥനിൽനിന്നും വസ്തു എടുക്കുന്നതിനുള്ള കാലതാമസത്തെ കരുതിയാണു ഇതിൽ ഇപ്രകാരം ഒരു വകുപ്പു ചേർത്തിരിക്കുന്നതു്. എന്നാൽ ഇതിന്റെ മറുവശംകൂടി നോക്കിയാൽ വലുതായ ദോഷം ഉണ്ടെന്നുള്ള സംഗതി ഞാൻ ഈ സഭയെ അറിയിച്ചുകൊള്ളുന്നു. സാധാരണ മൈനർഇറിഗേഷൻ ഏർപ്പാടുകളിൽ ആയിരുന്നാൽ അങ്ങനെ ഒരു ഭയത്തിന്റെ ആവശ്യം വരുകയില്ലായിരുന്നു. അതിന്റെ പരിധിയിൽ ഈനേക്കുടെ ചേർത്തിരിക്കുന്നതുകൊണ്ടാണു ഇങ്ങനെ ഭയം തോന്നുന്നതു്. പുഞ്ചപ്പാടം മുതലായ സ്ഥലങ്ങളിൽ വരമ്പുകെട്ടുന്നതിനു വേറെ നിയമങ്ങൾ ഒന്നും ഇല്ല. അങ്ങനെ ഒരു നിയമം ഇല്ലാത്തതുകൊണ്ടാണു ഗവൺമെന്റു ഇപ്രകാരം ഒരു വകുപ്പു ഇതിൽ ചേർത്തിട്ടുള്ളതു്. എന്നാൽ പുഞ്ചപ്പാടം മുതലായ സ്ഥലങ്ങളേപ്പറ്റി റിപ്പോർട്ടിൽ വ്യക്തമായി പറഞ്ഞിട്ടുണ്ടു്. ഏതായാലും മറ്റു സ്ഥലങ്ങളിൽ ഉള്ള കുളം ഏർപ്പാടുകളിലും മൈനർഇറിഗേഷൻ ഏർപ്പാടുകളിലും ഇതുകൊണ്ടു ദോഷംവരാൻ ഇടയില്ല. എങ്കിലും മി. നാടാർ പറഞ്ഞതുപോലെ പൊതുജനാവകാശത്തിനു ഇതു ഹാനികരമായിത്തീരുമെന്നുള്ളതിനാൽ ഇങ്ങനെ ഒരു ഭേദഗതി ഏറ്റവും അത്യാവശ്യമായിട്ടുള്ളതാണു്.

**MR. PUTHUPALLI S. KRISHNA PILLAI** Sir, it is with a view to obviate the difficulties now raised by the Honourable the mover of the amendment, that the word '*special*' has been put in there, so that there shall be *special* orders' by the Irrigation Officer for the purpose of enabling other persons to enter upon private property. But, if honourable members want to make the position still more clear by carrying out the proposed amendment, I have no objection to accept the amendment.

The amendment was put to vote and carried.

**MR. C. JEBAMONY NADAR** : Sir, I beg to move the following amendment :

In line 23, *i. e.* in Section 26 (A) (3) (*b*) after the word "shall" and before the word "make," insert the words "either on such reference or on the application of the owner or other persons interested in the property damaged."

The present provision in the bill is to the effect that, when there is dispute as to the amount of damages to be paid to the owner of the property affected by the entry of the Irrigation Officer or other person acting under his orders, the matter has to be referred to the Peishkar. Sir, whenever there is a dispute, it means there are 2 parties. In the

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present instance, such parties are (1) the person entering upon the property and (2) the owner of the property. Now, the provision in the bill does not clearly authorise the latter to apply to the Peishkar for redress in case of dispute about the amount of damages; in other words, if the owner is not satisfied with the amount of damages assessed by the Irrigation Officer, it is left to the sweet will and pleasure of the Irrigation Officer to make or not to make the reference to the Peishkar; and, if he keeps quite, the owner of the private property has no other remedy open to him to have his grievance redressed. And, in the light of the specific provision in the bill for reference to the Peishkar, perhaps no civil action in a Court will lie. So, the private owner has to go without any remedy. That is why I am suggesting this provision to enable the private owner also to put in a petition or to appeal to the Peishkar.

**MR. K. P. KOCHUKORATARAKAN:** I second it.

**MR. PUTHUPALLI S. KRISHNA PILLAI:** I oppose the amendment. Section 3 says, firstly, In every case of entry the person making such entry shall ascertain and second the extent of the damage.

and scondly, within one month of the date of such entry compensation shall be tendered to the owner of the property damaged.

and thirdly, in case of disupte he small *forthwith* refer the dispute to Division Peishkar.

All these three clauses are mandatory, and are statutory duties imposed upon a Government servant. It further says the Division Peishkar *shall* make an enquiry.' When there is such statutory obligation on the Irrigation Officer as well as on the Division Peishkar it does not stand to reason to suggest that such officers might omit to do what they are under an obligation to do. Sir, if, as suggested by the honourable member, any officer omits to do what he is under a statutory, provision bound to do, the proper course of action is to draw the attention of his superior officer to such omission.

Sir, this is not the only instance where a Statute imposes obligations on officers. The remedy available to the public in all the other cases is certainly available in regard to this Statute also. There is provision here, also for, an appeal to the Land Revenue Commissioner against the decision of the Peishkar If within one month, the Irrigation Officer does not report, if there is inordinate delay, if the Peshkar does not take up the matter in time, appeal certainly lies to the Land Revenue Commissioner. There is the still higher authority, the Dewan, the Head of the Government, whose attention can, by petition, be drawn to delays and irregularities on the part of the officers of Government. I do not see, therefore, why any specific provision should be made entitling every private owner to move the Peishkar, in a matter about which statutory obligation has been imposed on the officers concerned.

After all a new petition by the party does not afford any relief. What if the Peishkar does not do anything? The petition does not



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[Mr. Puthupalli S. Krishna Pillai.]

help him to decide the matter. All that can be done by the Division Peishkar is to direct the Irrigation officer to send up a report as contemplated by clause 3. If it is a matter on which there can be any reasonable doubt, I would not have opposed the amendment.

**DEPUTY PRESIDENT:** You may also explain the implication of the term-in case of doubt.

**MR. PUTHUPALLI S. KRISHNA PILLAI:** The provision clearly implies that the party on whose land entry was made disputes the assessment of the damage already made by the irrigation officer. It is only then that the dispute can arise. He has only to say that he disputes the assessment and when the matter is notified, all that the Irrigation officer has to do is to forthwith refer the matter to the Division Peishkar He says—I assess the damages at Rs. 50. The party says—I am not satisfied ; and intimates that matter to the Irrigation Officer. The Irrigation officer is then bound to report to the Peishkar who enquires into it. There the matter ends. I therefore oppose the amendment.

**MR. T. C. KESAVA PILLAI:** സർ, ഞാൻ ഈ ഭേദഗതിയെ പിൻതാങ്ങുന്നു. സാധാരണയായി ആപത്സന്ധികളിലാണ് ഇതുമാതിരിവരുന്നതെന്നു ഞാൻ മുൻപ് സഭയെ അറിയിച്ചു. എന്റെ വീട്ടിനു സമീപത്തുള്ള വിലപിടിച്ച വൃക്ഷങ്ങളെ മുറിക്കയോ അല്ലെങ്കിൽ മതിൽ വെട്ടി ഇടിച്ച് തോട്ടുവെട്ടുകയോ ചെയ്യുമ്പോൾ എനിക്കു ഹൃദയവേദന യുണ്ടാവുകയെന്നുള്ളതു സാധാരണയാണ്. ഞാൻ എത്രതന്നെ സത്സ്വഭാവിയായിരുന്നാലും ഇങ്ങനെ ഒരു സംഗതി വരുമ്പോൾ അതിലേക്കുള്ള ഉദ്യോഗസ്ഥനുമായി പിണങ്ങി പിരിയാനെ തരമുള്ളൂ. ഞാൻ പിണങ്ങി പിരിയുന്നെങ്കിൽ തീർച്ചയായും ആ ഉദ്യോഗസ്ഥനു കോപമുണ്ടാകും. പിന്നീടു എനിക്ക് അയാളിൽനിന്നുമൊരനുകൂലം കിട്ടുകയില്ല. അതുകൊണ്ട് അങ്ങിനെയൊരു പരിതഃസ്ഥിതി വരുന്നതിനുമുൻപ് കക്ഷിക്കുതന്നെ ഒരു തീരുമാനം ഉടനടിയുണ്ടാക്കുവാനുള്ള സൌകര്യം നിയമത്തിൽ കൊടുക്കേണ്ടതു അത്യാവശ്യമാകുന്നു.

**MR. PUTHUPALLI S. KRISHNA PILLAI:** കക്ഷിക്ക് അവകാശംകൊടുക്കണമെന്നു പറഞ്ഞതു എവിടെ കൊടുക്കാനാണ്?

**MR. T. C. KESAVA PILLAI:** നാൽപതു ദിവസത്തിനകം ശരിയായ പരിഹാരം ഉണ്ടാക്കിയില്ലെങ്കിൽമാത്രമെ ഡിവിഷൻപേഷ്ക്കാക്കു കൊടുക്കാവൂ എന്നാണ് ഇപ്പോഴത്തെ വ്യവസ്ഥ.

**MR. PUTHUPALLI S. KRISHNA PILLAI:** നാൽപതു ദിവസത്തിനകം ചെയ്തില്ലെങ്കിൽ നാല്പത്തൊന്നാമത്തെ ദിവസം പരാതി കൊടുക്കാമല്ലൊ. പരാതി കൊടുക്കാൻ നിയമത്തിൽ പ്രൊവിഷൻ വേണോ?

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**MR. T. C. KESAVA PILLAI :** നാം ദിവസം കഴിഞ്ഞല്ലേ പരാതി കൊടുക്കാൻ തരമുള്ളൂ. ഒരു വൃക്ഷമാണു മുറിച്ചിട്ടതെങ്കിൽ നാം ദിവസം കഴിയുമ്പോഴേക്കും അതിന്റെ ഇലകളെല്ലാം ഉണങ്ങിപ്പോകും. അതിനു ശേഷം വന്നുനോക്കിയാൽ ശരിയായ നഷ്ടപരിഹാരം ഉണ്ടാവുകയില്ല. അതിനാൽ ശരിയായ നഷ്ടപരിഹാരം കിട്ടണമെങ്കിൽ വൃക്ഷം മുറിച്ചിട്ടയുടനെതന്നെ പരാതികൊടുക്കാനുള്ള അവകാശം കക്ഷികൾക്കുണ്ടായിരിക്കണം. അതിനാൽ ജനക്ഷേമത്തിന് എത്രയും ആത്യാവശ്യമായ ഈ ഭേദഗതിയെ ഞാൻ അനുകൂലിച്ചുകൊള്ളുന്നു.

The amendment was put to the vote of the House and declared lost.

**MR. T. C. KESAVA PILLAI:** I demand a poll.

A poll was accordingly taken with the following results :—

AYES—7.

| | |
|---|---|
| 1 Mr. T. C. Kesava Pillai | 5 Mr. E. P. Varghese. |
| 2 ,, D. Francis. | 6 ,, C. Jebamony Nadar |
| 3 ,, Kottalil P. Abraham | 7 ,, Joseph Vithayathil |
| 4 ,, K. P. Kochukoratharakan | |

NOES—13.

| | |
|---|---|
| 1 Mr. E. E. Pandarathil | 8 Mr. Puthupalli S. Krishna Pillai |
| 2 ,, John Joseph | 9 ,, M. K. Nilakanta Aiyar |
| 3 ,, T. T. Kesavan Sastri | 10 ,, G. B. E. Truscott |
| 4 ,, C. O. Madhavan | 11 ,, R Krishnaswami Rao |
| 5 ,, K. George | 12 ,, C. Kumara Das |
| 6 ,, K. J. Cheriyan | 13 ,, K. Velu Achary |
| 7 ,, M. Ramachandra Rao | |

NEUTRALS—14.

| | |
|---|---|
| 1 Mr. M. Ramiah Pillai | 9 Mr. Kainikara M. Padmanabha Pillai |
| 2 Srimati T. Narayani Amma | 10 ,, M. Kesava Panickar |
| 3 Mr. M. L. Janardana Pillai | 11 ,, Kaviyoor K. K. Kochukunju |
| 4 ,, K. C. Karunakaran | 12 ,, P. V. Mathai Chemparathy |
| 5 ,, S. Narayana Pillai | 13 ,, M. K. Mackar Pillai |
| 6 ,, P. Narayana Pillai | 14 ,, P. Vivekanandam. |
| 7 ,, M. L. D'Cruz | |
| 8 ,, C. Ramankunju | |

The amendment was declared lost, 7 voting *for*, 13 voting *against*, and 14 remaining *neutral*.

The question that Clause 9 do stand part of the Bill was put and carried.

The clause was added to the Bill.

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**Clause 10.**

**MR. C. JEBAMONY NADAR:** I move that in Clause 10 line 1, the brackets enclosing the figure "10" be removed. This admittedly is a printer's mistake and as it stands there is no clause No. 10 in the Bill.

**DEPUTY PRESIDENT:** It is for the Government member to correct at the last stage.

The question that Clause 10 do stand part of the Bill was put and carried.

The clause was added to the Bill.

**Clause 11.**

The question that Clause 11 do stand part of the Bill was put and carried.

The clause was added to the Bill.

**Preamble.**

The question that the preamble do stand part of the Bill was put and carried and the Preamble was added to the Bill.

**Title.**

The question that the Title do stand part of the Bill was put and carried and the Title was added to the Bill.

**MR. PUTHUPALLI S. KRISHNA PILLAI:** Sir, the only amendment that has been passed in this Bill is with regard to Clause 9 and even there it is only a bare verbal amendment that has been made. I therefore propose to move that the Bill be passed but before doing that, I want to know whether any honourable member has any objection to that.

**DEPUTY PRESIDENT:** Does any Honourable Member object to it?

**MR. PUTHUPALLI S. KRISHNA PILLAI:** Before I move that the Bill be passed, I may be permitted to move the following amendment to Clause 1—

"For the figures '111' appearing in Clause 1, sub-clause (a)' the figures '1114' may be substituted"

**MR. R. KRISHNASWAMI RAO:** I second it.

The question was put and carried.

**MR. PUTHUPALLI S. KRISHNA PILLAI:** I beg to move that the Travancore Irrigation Regulation (Amendment) Bill be now passed.

**MR. R. KRISHNASWAMI RAO:** I second it.

The motion was put and carried.

## THE TRAVANCORE ABKARI REGULATION (AMENDMENT) BILL.

**MR. PUTHUPALLI S. KRISHNA PILLAI:** Sir I rise to introduce the Travancore Abkari Regulation (Amendment) Bill. It has been published in the Government Gazette with the statement of objects and reasons. I move that the Bill be read in Assembly.

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